

## PATENT COOPERATION TREATY

PCT

REC'D 23 JUL 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)



PCT

Applicant's or agent's file reference PCT079	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IT 02/00567	International filing date (day/month/year) 05.09.2002	Priority date (day/month/year) 05.09.2002
International Patent Classification (IPC) or both national classification and IPC B65D81/34		
Applicant GUIDA & C. S.P.A. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

## 3. This report contains Indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  18.02.2004	Date of completion of this report  22.07.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Visentin, M  Telephone No. +49 89 2399-2614 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IT 02/00567**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-21 as originally filed

**Drawings, Sheets**

1-5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/IT 02/00567

---

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-21
	No: Claims	
Inventive step (IS)	Yes: Claims	1-21
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT 02/00567

1. There are in the present application two independent claims, 1 and 14, respectively.
2. The document EP-A-0 255 494 is regarded as being the closest prior art to the subject-matter of independent claims 1 (product) and 14 (method), respectively. It discloses a container according to the preamble of the claims.  
The subject-matter of claims 1 and 14 differs from the teaching of the prior art document in that:
  - the first component (of an exothermic or endothermic reaction) is arranged annularly around the first receptacle (containing the beverage), and
  - the diaphragm, separating the two compartments, is arranged substantially against the base of the first receptacle.
- 2.1 The combination of the above features enables to produce a container which is compact overall and low-cost, in which the exothermic or endothermic reaction be of the maximal efficiency in warming or cooling the beverage contained in the first receptacle, because the chemical reagents are placed as close as possible to the receptacle containing the beverage. Thanks to this arrangement, the smallest as possible quantity of reagent can be used to obtain the wanted effect, in comparison with the known containers.
- 2.2 The available prior arts fails to give any indication leading to the arrangement suggested by the invention. The subject-matter of independent claims 1 and 14 therefore, does meet the criteria of Article 33(1), (3) PCT because it does involve an inventive step.
3. The dependent claims define additional feature of the invention.

**BEST AVAILABLE COPY**